Writing Legal Descriptions - Wattles
Legal Description

The proper grouping of words which delineate one specific piece of land and which cannot apply to any other piece of land.

Wattles
Legal Description

If the description is erroneous or vague, it may locate the land on another person’s property or may not describe any locatable land. An insufficient description may render a conveyance void, cloud or slander the title of another, or negate the value of the property rights intended to be granted, acquired or described.
Topic 1:

**BEARINGS, AZIMUTHS, AND ANGLES**

Angles you may see in legal descriptions and how to interpret their meaning.
1. What surveys should be filed?

All surveys that establish or reestablish the corners or boundaries and locations of lots, parcels, tracts or other divisions of land.

EXCEPT:

Plats or maps which are prepared only for the purpose of showing the location of improvements on existing lots, which are not represented as surveys or land surveys and no corners are established or reestablished.

2. Where should the survey be filed?

The SURVEY RECORD REPOSITORY if:

Original Government corners or lines have been referenced, recovered, retraced or reestablished.

A new subdivision has been created.

The boundary/lot survey was performed within the limits of a city with a population of less than fifteen thousand.

The boundary/lot survey was performed within the limits of a city with a population in excess of fifteen thousand where no regular office is maintained for the county surveyor in the county courthouse.

OTHERWISE:

File the survey in the County Surveyor's office if such an office is maintained on a regular basis in the county courthouse, if not, file the survey in the SURVEY RECORD REPOSITORY.

Do not file surveys with the County Clerk.

3. How soon must the survey be filed?

The record of survey shall be filed within ninety days after the completion of the survey, or within any extension of time granted by the office in which it is required to be filed for reasonable cause.

4. What are the Survey Record Repository filing fees?

$5.00 for each survey of a subdivision or a survey which makes reference to an original government corner.

$2.00 for all other surveys.

$0.00 for surveys requested by the county and no fees for the survey are received by the surveyor or the county from any other persons. Please identify these surveys for proper billing.

5. What about topo, location or improvement surveys?

Plats or maps which are prepared only for the purpose of showing the location of improvements on existing lots, which are not represented as surveys or land surveys and no corners are established or reestablished are exempt from filing.

6. What information should be on the plat or map?

- Signature
- Legal Description
- Seal
- Plat / Record and Measured Distances
- Certification
- Description of Found Corners
- Date of Completion
- Description of Set Corners
- North Arrow
- Ties to Section, Quarter and 1/16 Corners
- Scale
- Basis of Bearing
- Plat of Tract
- Curve Data
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| ☐ Signature                                      | ☐ Legal Description                                      |
| ☐ Seal                                           | ☐ Plat / Record and Measured Distances                    |
| ☐ Certification                                  | ☐ Description of Found Corners                           |
| ☐ Date of Completion                             | ☐ Description of Set Corners                             |
| ☐ North Arrow                                    | ☐ Ties to Section, Quarter and 1/16 Corners              |
| ☐ Scale                                          | ☐ Basis of Bearing                                       |
| ☐ Plat of Tract                                  | ☐ Curve Data                                             |
LEGAL DESCRIPTION

A tract of land being part of the South Half of the Southeast Quarter of the Northeast Quarter (S1/2 SE1/4 NE1/4) of Section Eighteen (18), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 18 and assuming the East line of the Northeast Quarter of said Section 18 as bearing S 00°13'41" E and all bearings contained herein are relative thereto; thence on the South line of the Northeast Quarter of said Section 18, S 89°06'20" W a distance of 1316.76 feet to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence on the West line of the of the Southeast Quarter of the Northeast Quarter of said Section 18, N 00°15'17" W a distance of 562.37 feet; thence leaving the West line of the Southeast Quarter of the Northeast Quarter of said Section 18, and parallel with the South line of the Northeast Quarter of said Section 18, N 89°06'20" E a distance of 1317.02 feet to a point on the East line of the Northeast Quarter of said Section 18; thence on the East line of the Northeast Quarter of said Section 18, S 00°13'41" E a distance of 562.38 feet to the place of beginning. Containing 17.00 acres, more or less, of which 0.43 acres, more or less, are presently being used for road purposes on the East side.
LEGAL DESCRIPTION

A tract of land located on a part of the Northwest Quarter of of Section 29, Township 1 North, Range 1 West, of the 6th Principal Meridian, Thayer County, Nebraska and more particularly described as follows:

For the purpose of this legal description, the basis of bearings is the South line of the Northwest Quarter of said Section 29, having an assumed reference bearing of N 88°16'06" E.

Referring to the West Quarter Corner of said Section 29; thence easterly N 88°16'06" E, on the South line of the Northwest Quarter of said Section 29, 568.35 feet, to the Point of Beginning; thence continuing easterly N 88°16'06" E, on the South line of the Northwest Quarter of said Section 29, 2056.49 feet, to the Center Quarter Corner of said Section 29; thence northerly N 01°06'58" W, on the East line of the Northwest Quarter of said Section 29, 1184.70 feet; thence westerly N 63°38'28" W, 209.81 feet; thence westerly N 77°38'20" W, 82.49 feet; thence westerly S 74°39'26" W, 143.16 feet; thence southwesterly S 47°13'37" W, 134.45 feet; thence southwesterly S 23°32'35" W, 209.04 feet; thence southwesterly S 63°13'27" W, 60.43 feet; thence westerly N 82°47'04" W, 184.73 feet; thence westerly N 87°32'49" W, 180.49 feet; thence westerly S 85°45'11" W, 167.06 feet; thence westerly S 75°13'19" W, 168.82 feet; thence southwesterly S 61°57'07" W, 129.92 feet; thence southwesterly S 27°35'19" W, 120.67 feet; thence southerly S 00°13'59" W, 110.86 feet; thence southeasterly S 26°43'13" E, 106.83 feet; thence southeasterly S 32°39'05" E, 159.12 feet; thence southerly S 04°51'21" E, 120.26 feet; thence southerly S 11°37'40" E, 138.32 feet; thence westerly S 75°02'05" W, 57.21 feet; thence westerly N 78°07'39" W, 223.26 feet; thence westerly S 84°31'41" W, 247.00 feet; thence southeasterly S 59°16'40" W, 85.50 feet; thence southwesterly S 38°55'32" W, 102.74 feet; thence southwesterly S 20°31'56" W, 112.64 feet, to a point of intersection on the South line of the Northwest Quarter of said Section 29, said point also being the True Point of Beginning:

Containing a calculated area of 38.788 acres more or less. Subject to all easements, restrictions, and reservations of record.
In legal descriptions unless otherwise stated by the author or on a survey document,

it is safe to **assume** that all bearings or azimuths contained therein are **assumed**
Bearings are more easily assumed with the aid of GPS and surveyors are not needing to rotate a drawing to match a previous survey of record in order to have a basis of bearings.
A properly configured GPS unit will produce bearings accurate enough to be called **true bearings**. You may find this reference or note on some survey drawings.
Bearings

NW

NE

SW

SE

N 60° W

S 60° W

N 60° E

S 60° E
Azimuths

Azimuths are measurements of direction from a north-south reference line. The image shows a circular diagram with degrees marked from 0° to 360°. Two azimuths are indicated: AZ 240° and AZ 60°.
Angle Left or Angle Right
Deflection Angle Left or Right
Topic 2:

THE PRIORITY OF CALLS

The Priority of Calls, sometimes referred to as the Dignity of Calls, as Compiled from State Courts, State Statutes, and Legal Writings.
Like any other process, a land survey has a predetermined set of steps in place to aid surveyors in forming their opinion of the boundaries of a tract of land.

The steps we are referring to in this presentation is the **Priority of Calls** as formed from numerous state and federal statutes, case-law and common law principles.

This list has been tried throughout the years in the court system based on certain assumptions.

The “Priority of Calls” is a standard set of guidelines, that when considered or applied can assist the surveyor in creating new parcels of land, in retracing previously created parcels of land and can assist the attorney in litigating disputes as to the title and boundaries of land.
1) **Lines actually run on the ground** by the creating surveyor.

   This includes corners established, monuments set and lines marked at the time of the survey.

   This assumes the surveyor placed the original line where the parties intended it.
2) Calls for **Natural Monuments**

These monuments are the least likely to be moved. Regardless of distance or angle called in the deed, the deed calls to this monument therefore it is interpreted that the intent of the parties was to go to this monument and it is controlling.

Example: Your deeded South line calls 257’ to the large vertical stone with an X chiseled in the top. The measured distance on the survey is 263’ to the stone. Your corner will be at the stone with the X because that is the monument called for, and where the parties intended to go.

This stone monument takes priority over distance.
3) Calls for **Artificial Monuments**

These are monuments that have been set by someone. Monuments may be concrete, rebar, iron pipes, fence corners, etc. The premise is much the same as for artificial monument except they are not considered as permanent. The law still considers the call to an artificial monument next in order of importance after natural.

Example: Your deed states that your North line runs from a 1” iron pin found on the road right of way East 150 ft. to a 1” solid iron pin found. The survey you just paid for shows your North line only 148 ft. long. It shows a 1” iron pin found on each end of the line. The surveyor found no other pins close to those shown on the plat. So where is the corner? In the surveyor’s opinion, at the iron pin found 148 ft. away because he believes these were the pins called for in the deed.

The iron pins found are controlling not the distance.
4) Calls for **adjoining parcels that are senior in title** and called for and identified in
the survey and called for in the descriptions.

These are bounds descriptions. You may be bounded on the South by Smith, on the
North by Jones, on the East by Phillips and on the West by a highway.

These lines were previously established and control, regardless of the bearings and
distances.
5) Calls for **bearings and distances.**

If no monuments are called for or found and there are no calls for adjoining owners, bearings and distances will control.

In the states of the Public Land Survey System (PLSS) such as Nebraska, Distances control before Bearings; however in the Metes and Bounds States, Bearings control before Distances.
6) Calls for **Area**.

This has historically been the last priority for a call in a deed.

Typically area is a calculation based upon the measured lines and therefore is a derivative of higher priority features within the legal description.
7) Calls for **Coordinates**.

The call for coordinates is gaining popularity in land descriptions due to the advancement of technology in Global Positioning Systems (GPS).

However; due to the constant natural changes with the earth and the future development of geodetic positioning, coordinates are the least permanently reliable method to retrace or permanently describe a boundary and should therefore be avoided in producing new legal descriptions.
As you can see, there is a process to reading and interpreting a deed.

These steps have been established by our court system throughout our nation’s brief history.

When comparing your deed to those around you, you now have a set of guidelines to make sure you are reading it the way a land surveyor would read it.
The Historical Significance of the “Priority of Calls”

Reference to the historical significance or a complete listing of the “Priority of Calls” (Dignity of Calls, as some courts have described them) could not be found in any early English Case Law decision until the Mid 1800’s.

On an individual basis, Courts have recognized elements of the listing either in their individual capacity or in conjunction with other elements of control.
The Historical Significance of the “Priority of Calls”

The basic land description or survey systems recognized in American real property descriptions are identified as follows:

1) Public Land Survey Systems (PLSS)
2) State Sanctioned Survey Systems
3) Metes and Bounds Survey and System

The “Priority of Calls” application is partially or completely recognized and accepted in each of these three (3) systems.

Although not the oldest, the “Priority of Calls” applied to the Public Land Survey System was created under Statute Law by the United States Congress on February 11, 1805.

Only some of the States specifically mention the “Priority of Calls” or “Dignity of Calls”, but all of the States recognize a number of the elements.
The Historical Significance of the “Priority of Calls”

Researching the various decisions in which the Courts rendered guidelines as to the use of evidence has led to a compilation of a list that has been identified by numerous State and Federal Courts as those elements that comprise the “Priority of Calls”.
Applying The Priority of Descriptive and Controlling Elements

RULES AND GUIDE FOR APPLICATION

- To be considered, the element must be referenced in a written conveyance, preferably in the chain of title.
- First identify what elements are contained in the description that is to be surveyed.
- Consider NO element that is not referenced.
- Classify your elements in descending order.
- Look for the highest element. If it is there, accept it. If not, go to the next element.
- Any element that is not referenced is NO controlling factor.
- Report ALL evidence found, regardless.
Topic 3:

ONLINE RESOURCES FOR AN “IN OFFICE” EXAMINATION OF A LEGAL DESCRIPTION
Some of the resources a surveyor might use are:

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<tr>
<th>Resource</th>
<th>Website</th>
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<tbody>
<tr>
<td>Flood Plain Mapping</td>
<td><a href="https://www.fema.gov/">https://www.fema.gov/</a></td>
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<tr>
<td>Original General Land Office Records:</td>
<td><a href="https://glorecords.blm.gov/">https://glorecords.blm.gov/</a></td>
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<tr>
<td>- Bureau of Land Management website</td>
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<tr>
<td>Original GLO Records also available at:</td>
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<tr>
<td>- Nebraska State Surveyor’s Office website</td>
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<tr>
<td>State of Nebraska Department of Roads:</td>
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<tr>
<td>- listing of relevant state statutes, Nebraska court cases and Attorney General Opinions</td>
<td><a href="https://nebraskalegislature.gov/">https://nebraskalegislature.gov/</a></td>
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<tr>
<td>Nebraska Legislature:</td>
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<tr>
<td>- Searchable Nebraska Law Library</td>
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<tr>
<td>The National Geologic Map Database:</td>
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<tr>
<td>- TopoView maps resource for USGS Topographic Quadrangle sheets for the entire United States.</td>
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<tr>
<td>State of Nebraska Department of Natural Resources Data Bank:</td>
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<tr>
<td>National Aerial photography archive database:</td>
<td><a href="https://earthexplorer.usgs.gov/">https://earthexplorer.usgs.gov/</a></td>
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<td>Historic Aerial Photography:</td>
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